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**GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT, RENEWAL and MODIFICATION
Issued under 20.6.2 NMAC**

Facility Name: Bishop's Lodge
GWQB Discharge Permit Number: DP-75
GWQB TEMPO AI Number: 2871

Permittee Name/Responsible Party: BL Santa Fe LLC
Mailing Address: 112 W. San Francisco Street Suite 310
Santa Fe, NM 87501

Facility Contact: Michael Shepard, Owner
Facility Contact Telephone Number: (505) 515-1850
Facility Location: 1297 Bishop's Lodge Road
Santa Fe, NM

County: Santa Fe

Permitting Action: Renewal and Modification

Permit Effective Date: XXXXXX
Permit Expiration Date: XXXXXX

NMED Permit Contact: Jason Herman
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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
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GROUND WATER DISCHARGE PERMIT RENEWAL and MODIFICATION

Bishop's Lodge, DP-75

Draft: April 29, 2019

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal and Modification (Discharge Permit), DP-75, to BL Santa Fe LLC (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Bishop's Lodge (facility) into ground and surface water so as to protect such water for present and potential future use as domestic and agricultural water supply and other uses and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows.

Up to 14,760 gallons per day (gpd) of domestic wastewater is received and treated using a mechanical treatment plant and MetaReactor retrofit unit. Treated wastewater is discharged to two leachfields for disposal. The modification consists of a change in the location of the discharge and significant modification to the mechanical treatment plant. The change in location includes the removal of the concrete lined ponds and synthetically lined wetlands and the installation of a new leachfield for disposal. The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC. The facility is located at 1297 Bishop's Lodge Road, approximately 3 miles southeast of Tesuque, in Sections 5 and 6, Township 17N, Range 10E, Santa Fe County. Groundwater most likely to be affected is at a depth of approximately 23 feet and has a total dissolved solids concentration of approximately 300 milligrams per liter.

The original Discharge Permit was issued on July 11, 1979 and subsequently renewed and/or modified on December 6, 2004, February 19, 1999, January 18, 1994, April 10, 1989 and February 20, 1984. The application (i.e., discharge plan) consists of the materials submitted by Ana Berry on behalf of the permittee dated July 2, 2018 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a discharge permit modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated, or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved

under this Discharge Permit are not protective of groundwater quality and more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO ₃ -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	land application data sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	Most Probable Number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to receive and treat up to 14,760 gpd of domestic wastewater using a mechanical treatment plant and MetaReactor retrofit modification unit. The permittee is authorized to discharge treated wastewater to two leachfields for disposal.

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	Within 120 days following the effective date of this Discharge Permit (by DATE), the permittee shall install a new grease interceptor designed in accordance with the New Mexico Plumbing Code, 14.8.2 NMAC to accommodate the wastewater discharged from the kitchen. A schematic of the installed grease interceptor shall be submitted to NMED within 30 days of completion. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
4.	Within 180 days following the effective date of this Discharge Permit (by DATE), the permittee shall submit to NMED an up-to-date scaled map(s) of the entire wastewater treatment facility. The map(s) shall be developed using information obtained from a survey of the entire wastewater treatment facility. The map(s) shall be drawn to a scale such that all necessary information is plainly shown and labeled. The map shall include the following elements:

#	Terms and Conditions
	<ul style="list-style-type: none"> • a graphical scale; • a north arrow; • the effective date of the map; • all components of the wastewater treatment and disposal system; • all groundwater monitoring wells; • all flow measurement devices; • all wastewater sampling locations. <p>The survey shall be performed to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established with a permanent marking indicating the point of survey. The completed survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the map in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

Operating Conditions

#	Terms and Conditions
5.	<p>Treated wastewater discharged to the leachfields shall not exceed the following discharge limit.</p> <p>Total Nitrogen: 10 mg/L</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The permittee shall control access to the wastewater treatment facility. The access controls shall be constructed in a manner which prevents access by the general public and animals. Access controls shall be maintained throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is</p>

#	Terms and Conditions
	<p>potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>The permittee shall visually inspect the area above each leachfield (disposal system) semi-annually to ensure proper maintenance. Any conditions that indicate damage to a disposal system shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, woody shrubs, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs. The log shall be made available to NMED upon request.</p> <p>In the event of a failure of a disposal system, the permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall properly manage all solids generated by the treatment system to maintain effective operation by removing solids as necessary in accordance with accepted process control methods. Solids removed from the treatment process shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations.</p> <p>The permittee shall maintain manifests for all solids transported from the treatment facility for off-site disposal. The manifests shall identify the date, volume of solids removed and method of disposal.</p> <p>Records of treatment system solids disposal, including the volume of solids removed and copies of all manifests for the previous calendar year, shall be submitted to NMED annually in the monitoring reports due by August 1st each year..</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>The permittee shall inspect the grease interceptor on a monthly basis and remove accumulated grease and settled solids as needed to prevent them from exiting the unit. The permittee shall maintain a record of grease/solids removal and disposal, including date, volume of grease/solids removed, and method of disposal and make them available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
11.	<p>The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.</p>

#	Terms and Conditions
	[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
12.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
13.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
14.	Quarterly monitoring shall be performed during the following periods and reports submitted to NMED as follows: <ul style="list-style-type: none"> • January 1st through March 31st – due by May 1st; • April 1st through June 30th – due by August 1st; • July 1st through September 30th – due by November 1st; and • October 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
15.	Within 60 days following the effective date of this Discharge Permit (by DATE), the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of the monitoring wells required to be installed by Condition #16 of this Discharge Permit. The proposal shall include, at a minimum, the following information. <ol style="list-style-type: none"> A map showing the proposed location of the monitoring wells relative to the boundary of the source it is intended to monitor. A written description of the specific location proposed for each monitoring well including the distance (in feet) and direction of the monitoring well from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; 30 feet southeast of the re-use area 150 degrees from north.

#	Terms and Conditions
	<p>c) A statement describing the groundwater flow direction beneath the facility and documentation and/or data supporting the determination.</p> <p>All monitoring well locations shall be approved by NMED prior to installation.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
16.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall install the following new monitoring wells.</p> <ul style="list-style-type: none"> a) One monitoring well (MW-1) located hydrologically upgradient of the facility. b) One monitoring well (MW-2) located 20 to 50 feet hydrologically downgradient of the old leachfield. c) One monitoring well (MW-3) located 20 to 50 feet hydrologically downgradient of the new leachfield. <p>The wells shall be completed in accordance with the attachment titled, <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011 or alternative methods submitted for approval. Well construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>Following the installation of the monitoring wells required by this Discharge Permit, the permittee shall sample groundwater in the wells and analyze the samples for TKN, NO₃-N, TDS and Cl.</p> <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ul style="list-style-type: none"> a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Well completion report (including the Office of the State Engineer permit), depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring wells.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
18.	<p>Within 150 days following the effective date of this Discharge Permit (by DATE), the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells and referenced to mean sea level, and the data shall be used to develop a groundwater elevation contour map showing the location of all monitoring wells and the direction and gradient of groundwater flow at the facility. The data and groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

Ground Water Monitoring Conditions

#	Terms and Conditions
19.	<p>The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for TKN, NO₃-N, TDS and Cl.</p> <ol style="list-style-type: none"> MW-1, intended to be located hydrologically upgradient of the facility. MW-2, intended to be located hydrologically downgradient of the old leachfield. MW-3, intended to be located hydrologically downgradient of the new leachfield. <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none"> Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. Purge three well volumes of water from the well prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
20.	<p>The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the groundwater monitoring wells required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
22.	<p>The permittee shall measure the monthly volume of treated wastewater discharged from the treatment system to the leachfields. The permittee shall obtain readings from a totalizing flow meter located in the blower room on a monthly basis and calculate the monthly and average daily discharge volume.</p> <p>The monthly meter readings and calculated monthly and average daily discharge volumes shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
23.	<p>All flow meters shall be capable of having their accuracy verified under actual working (field) conditions. A field verification method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations</p>

#	Terms and Conditions
	<p>shall be performed upon repair or replacement of a flow measurement device and, at a minimum, once within 90 days of the effective date of this Discharge Permit (by DATE).</p> <p>Flow meters shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> The location and meter identification. The method of flow meter field calibration employed. The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. Any flow meter repairs made during the previous year or during field calibration. <p>The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
24.	<p>The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
25.	<p>The permittee shall collect samples of treated wastewater from the discharge to the leachfields on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"> TKN; NO₃-N; TDS; and Cl.

#	Terms and Conditions
	<p>Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
26.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater.</p> <p>If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, the permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
27.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p>

#	Terms and Conditions
	<p>Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled, <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>Upon completion of the replacement monitoring well, the monitoring well requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled, <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
28.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not located hydrologically downgradient of the discharge location it is intended to monitor, the permittee shall install a replacement well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well within 150 days following notification from NMED.</p> <p>Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled, <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
29.	<p>In the event that analytical results of a quarterly treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the permittee shall collect and analyze a second confirmation sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate that the discharge limit is continuing to be exceeded, the following contingency plan shall be enacted.</p> <ol style="list-style-type: none"> a) Within 7 days of the second sample analysis date indicating that the discharge limit is continuing to be exceeded, the permittee shall: <ol style="list-style-type: none"> i) notify NMED that the contingency plan is being enacted; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. b) The permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month.

#	Terms and Conditions
	<p>c) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>d) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days of correction.</p> <p>e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days of the second sample analysis date indicating that the discharge limit is continuing to be exceeded. The permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the permittee is authorized to return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
30.	<p>In the event that an inspection of a leachfield reveals failure, the following contingency plan shall be enacted.</p> <p>a) Within 24 hours following the discovered failure, the permittee shall:</p> <ol style="list-style-type: none"> notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and restrict public access to the area. <p>b) The permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures.</p> <p>c) The permittee shall propose actions to address the failure and methods of correction by submitting a Corrective Action Plan to NMED for approval within 15 days following the discovered failure. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p>

#	Terms and Conditions
	<ul style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
32.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

Closure Conditions with Implementation Deadlines

#	Terms and Conditions
33.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall perform the following closure measures to the existing grease interceptor:</p> <ul style="list-style-type: none"> a) Remove and plug all lines leading to the existing grease interceptor so that a discharge can no longer occur. b) Drain and/or evaporate all liquids from the grease interceptor and dispose of all sludge in accordance with all local, state, and federal (40 CFR Part 503) regulations. c) Remove or demolish the tanks and re-grade area with clean fill to blend with surface topography and prevent ponding. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions
34.	<p>In the event the facility, or a component of the facility, is proposed to be permanently closed, the permittee shall perform the following closure measures.</p> <p>Within <u>90 days</u> of ceasing to discharge to the treatment system, the permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> a) The line leading to the system shall be plugged so that a discharge can no longer occur. b) Wastewater in the system components shall be evaporated, or drained and disposed of in accordance with all local, state, and federal regulations. c) Solids removed from the treatment system shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The permittee shall maintain a record of all solids transported for off-site disposal. <p>Within <u>180 days</u> of ceasing to discharge to the treatment system (or unit), the permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> a) Remove all lines leading to and from the treatment system, or permanently plug them and abandon them in place. b) Remove or demolish all treatment system components, and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

#	Terms and Conditions
35.	<p>In the event the facility, or a component of the facility, is proposed to be permanently closed, upon ceasing discharge, the permittee shall perform closure measures.</p> <p>Within <u>90 days</u> of ceasing discharge to the leachfield systems (or closed system components), the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> Plug all lines leading to and from the closed system(s) so that a discharge can no longer occur. Wastewater, septage, and grease interceptor waste shall be pumped from the system components (e.g., septic tanks, grease trap/interceptors, lift stations, dosing chambers, distribution boxes) and it shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The permittee shall maintain a record of all wastes transported for off-site disposal. <p>Within <u>180 days</u> of ceasing discharge to the leachfield systems (or closed system components), the permittee shall complete the following closure measures:</p> <ol style="list-style-type: none"> Remove all lines leading to and from the closed system(s) or permanently plug them and abandon them in place. Remove or demolish all closed grease trap/interceptors, lift stations, dosing chambers, distribution boxes or other system(s) components (with the exception of leachfields) and re-grade the area with suitable fill to blend with surface topography to promote positive drainage and prevent ponding. <p>The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded.</p> <p>If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded or the total nitrogen concentration is greater than 10 mg/L in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled, <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p> <p>When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
36.	<p>RECORD KEEPING - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
37.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
38.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
39.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
40.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p>

#	Terms and Conditions
	[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
41.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
42.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; • falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or • fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>

#	Terms and Conditions
43.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
44.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
45.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ul style="list-style-type: none"> • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
46.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

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